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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/560,245	04/26/2000	Charles Calvin Byers	35	2382

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LUCENT TECHNOLOGIES INC.
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EXAMINER	
LONSBERRY, HUNTER B	

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/560,245	BYERS, CHARLES CALVIN	
	Examiner	Art Unit	
	Hunter B. Lonsberry	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 October 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *See Continuation Sheet* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6,7,9-11,14-17,19,20,24-27,29,30,32-35,37,38,40-43,45,46 and 48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Continuation of Disposition of Claims: Claims pending in the application are 1-4,6,7,9-11,14-17,19,20,24-27,29,30,32-35,37,38,40-43,45,46 and 48.

DETAILED ACTION

Allowable Subject Matter

1. Claims 22 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

2. Applicant's arguments filed 10/20/04 have been fully considered but they are not persuasive.

Applicant argues that Eldering's profile does not include time of day information in the user's profile, but rather uses time of day information to identify a subscriber (response page 5).

Regarding applicant's argument, Eldering discloses utilizing a subscriber characterization system to build a user profile, a profile is build using probabilistic or deterministic measurements of an individual's characteristics including age, gender program and product preferences (column 3, lines 5-11), a neural network 400 processes user interactions as well as program characteristics during a viewing session (column 3, lines 12-40, 46-50), these characteristics are specific to a viewer, and include time of day information (column 3, lines 56-61). As Eldering discloses viewer may watch similar programming at the same time every day, and it identifies this trait as

being a trait of behavior specific to a user (column 3, line 58-column 4, line 34, column 5, lines 45-55), Eldering's profile must include time of day information, otherwise the neural network of Eldering would be unable to associate which member of the household typically watches the same programming at the same time every day.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-4, 6, 7, 9-11, 14-17, 19,20, 24-27, 29, 30, 32-35, 37, 38, 40-43, 45, 46 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,357,042 to Srinivasan in view of U.S Patent 6, 684,194 to Eldering and U.S. Patent 6,553,178 to Abecassis.

Regarding claim 1, Srinivasan discloses a method for dynamically altering a portion of a digital video image based upon a user profile (column 30, lines 6-15 lines 28-40, line 63-column column 32, line 2, lines 57-67, Figure 17), the method comprising the steps of:

Receiving a digital video image (column 30, lines 28-column 31, line 15, video data received via satellite or Internet),

Retrieving a first profile associated with a first user (column 32, lines 12-22),

And digitally altering a portion of the digital video image with a replacement digital image to produce a dynamically altered video image (substitute logos or images may be placed in the tracking box as annotation data and may be transmitted over a broadband network/WAN (column 6, lines 7-18, column 7, line 7-column 9, line 30, column 13, lines 1-40, column 14, lines 27-55).

Srinivasan fails to disclose the use of a profile, which includes parental consent information, and time of day information to determine which ads to show.

Eldering discloses a system, which utilizes user profiles, and may recognize a specific user based upon time of day information (column 3, line 4-column 5, line 55), thus ensuring that the current profile matches the viewer watching the current program.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the tracking module of Srinivasan to utilize the time of day profiling information as taught by Eldering to ensure that the current profile matches the viewer watching the current program.

The combination of Srinivasan and Eldering fails to disclose parental consent information as part of a profile.

Abecassis discloses a profiling system which includes parental consent information, a parent may set the levels of acceptable violence, bloodshed, profanity and nudity for other profiles (Figures 4a-e, 1d, column 8, lines 30-41, column 17, lines 50-56), thus preventing a child from watching objectionable material, and enabling older children to watch age appropriate programming.

Therefore it would have been obvious to modify the combination of Srinivasan and Eldering to include parental consent information as part of a profile, as taught by Abecassis, thus preventing a child from watching objectionable material, and enabling older children to watch age appropriate programming.

Regarding claim 2, Srinivasan discloses that the altered image is transmitted to the user (column 6, lines 8-16).

Regarding claims 3 and 10, Srinivasan discloses dynamically altering a portion of the digital video image in accordance with a profile, wherein the profile comprises information pertaining to a user receiving the altered image (column 32, lines 12-21).

Regarding claims 4, 6, 11, 14, 17, 19, 27, 29, 35, 37, 43, and 45, Srinivasan discloses a system, which utilizes user profiles to determine which ads to show.

Srinivasan doesn't disclose whether the profiles contain demographic, advertising or geographic information.

Eldering discloses that profiles may contain demographic, advertising and time of day information and that the programs themselves also contain demographic data (column 3, lines 12-40, 46-50, 56-61), thus ensuring that the appropriate advertisements are routed to the appropriate user.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the profile of Srinivasan to include demographic, advertising and

time of day information as taught by Eldering, thus ensuring that the appropriate advertisements are routed to the appropriate user.

Regarding claims 7, 15, 20, 30, 38, and 46, the combination of Srinivasan and Eldering discloses profiles, which include demographic information. Additionally, Srinivasan discloses that ads may be prepared for users living in urban areas (geographic areas, column 32, lines 4-7).

The combination of Srinivasan, Eldering and Abecassis fails to disclose a profile that includes geographic information.

The examiner takes official notice that the use of geographic information for the delivery of targeted advertisements is notoriously well known in the art. Geographic targeting ensures that a viewer receives advertising data, which is relevant to the area that the viewer lives in.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Srinivasan, Eldering and Abecassis to include geographic information as part of the profile, thus ensuring that a viewer receives advertising data which is relevant to the area that the viewer lives in.

Regarding claim 9, Srinivasan discloses a method for dynamically altering a portion of a digital video image based upon a user profile (column 30, lines 6-15 lines 28-40, line 63-column column 32, line 2, lines 57-67, Figure 17), the method comprising the steps of:

Marking an original element in a digital video image, the original element comprising a portion of the digital video image (column 8, lines 5-33)

Retrieving a first profile associated with a first user and choosing a replacement image (column 32, lines 12-22),

And digitally altering a portion of the digital video image with a replacement digital image based upon time of day information to produce a dynamically altered video image (substitute logos or images may be placed in the tracking box as annotation data and may be transmitted over a broadband network/WAN (column 6, lines 7-18, column 7, line 7-column 9, line 30, column 13, lines 1-40, column 14, lines 27-55).

Srinivasan fails to disclose the use of a profile, which includes parental consent information, and time of day information to determine which ads to show.

Eldering discloses a system, which utilizes user profiles, and may recognize a specific user based upon time of day information (column 3, line 4-column 5, line 55), thus ensuring that the current profile matches the viewer watching the current program.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the tracking module of Srinivasan to utilize the time of day profiling information as taught by Eldering to ensure that the current profile matches the viewer watching the current program.

The combination of Srinivasan and Eldering fails to disclose parental consent information as part of a profile.

Abecassis discloses a profiling system which includes parental consent information, a parent may set the levels of acceptable violence, bloodshed, profanity

and nudity for other profiles (Figures 4a-E, 1d, column 8, lines 30-41, column 17, lines 50-56), thus preventing a child from watching objectionable material, and enabling older children to watch age appropriate programming.

Therefore it would have been obvious to modify the combination of Srinivasan and Eldering to include parental consent information as part of a profile, as taught by Abecassis, thus preventing a child from watching objectionable material, and enabling older children to watch age appropriate programming.

Regarding claim 16, Srinivasan discloses a method for providing a targeted product placement (column 30, lines 6-15 lines 28-40, line 63-column column 32, line 2, lines 57-67, Figure 17), the method comprising the steps of:

Receiving a digital video image (column 30, lines 28-column 31, line 15, video data received via satellite or Internet) which includes an original element in a digital video image, the original element comprising a portion of the digital video image (column 8, lines 5-33)

Retrieving a first profile associated with a first user and choosing a replacement image (column 32, lines 12-22),

And digitally altering a portion of the digital video image by retrieving and replacing the original element with replacement digital image to produce a dynamically altered video image (substitute logos or images may be placed in the tracking box as annotation data and may be transmitted over a broadband network/WAN (column 6,

lines 7-18, column 7, line 7-column 9, line 30, column 13, lines 1-40, column 14, lines 27-55)

Transmitting it over a broadband network (figure 7, column 13, lines 4-13).

Srinivasan fails to disclose the use of a profile, which includes parental consent information, and time of day information to determine which ads to show.

Eldering discloses a system, which utilizes user profiles, and may recognize a specific user based upon time of day information (column 3, line 4-column 5, line 55), thus ensuring that the current profile matches the viewer watching the current program.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the tracking module of Srinivasan to utilize the time of day profiling information as taught by Eldering to ensure that the current profile matches the viewer watching the current program.

The combination of Srinivasan and Eldering fails to disclose parental consent information as part of a profile.

Abecassis discloses a profiling system which includes parental consent information, a parent may set the levels of acceptable violence, bloodshed, profanity and nudity for other profiles (Figures 4a-E, 1d, column 8, lines 30-41, column 17, lines 50-56), thus preventing a child from watching objectionable material, and enabling older children to watch age appropriate programming.

Therefore it would have been obvious to modify the combination of Srinivasan and Eldering to include parental consent information as part of a profile, as taught by

Abecassis, thus preventing a child from watching objectionable material, and enabling older children to watch age appropriate programming.

Regarding claims 24 and 40, Srinivasan discloses in figure 12, a service node for producing a digital video stream, the service node comprising:

an input port 127 effective in receiving a digital video stream including an original element (column 21, lines 17-23);

a control port 125 for accessing a customer database (profile information) and an image database (column 21, lines 14-17, column 32, lines 12-22),

a control/video processor (CPU 117) including memory, the processor being effective in determining the product images to be inserted based at least in part upon a customer profile retrieved from the customer database (column 32, lines 12-22), the control processor also effective in retrieving replacement images from the image database (column 32, lines 31-40), the processor effective in calculating transforms and selectively overwriting the original element (column 21, lines 61-67), the processor also effective in storing the replacement images in the memory 131, the processor being effective in replacing the original element with the replacement images to form a modified video stream (column 21, lines 61-67); and

an output port 139 effective in transmitting the modified video stream (column 22, lines 1-3).

Srinivasan inherently contains a DSP, as a DSP is required to insert the replacement annotation data when manipulating a digital video image.

Srinivasan fails to disclose the use of a profile, which includes parental consent information, and time of day information to determine which ads to show.

Eldering discloses a system, which utilizes user profiles, and may recognize a specific user based upon time of day information (column 3, line 4-column 5, line 55), thus ensuring that the current profile matches the viewer watching the current program.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the tracking module of Srinivasan to utilize the time of day profiling information as taught by Eldering to ensure that the current profile matches the viewer watching the current program.

The combination of Srinivasan and Eldering fails to disclose parental consent information as part of a profile.

Abecassis discloses a profiling system which includes parental consent information, a parent may set the levels of acceptable violence, bloodshed, profanity and nudity for other profiles (Figures 4a-E, 1d, column 8, lines 30-41, column 17, lines 50-56), thus preventing a child from watching objectionable material, and enabling older children to watch age appropriate programming.

Therefore it would have been obvious to modify the combination of Srinivasan and Eldering to include parental consent information as part of a profile, as taught by Abecassis, thus preventing a child from watching objectionable material, and enabling older children to watch age appropriate programming.

Regarding claims 25, 33, and 41 Srinivasan discloses the use of VRAM 139 to carry a combined video image (column 21, lines 27-67).

Regarding claims 26, 34, and 42, Srinivasan inherently has a video processor, which is controlled by a CPU, as a CPU is required to control a video processor in order to assemble the annotation and video data.

Regarding claim 32, Srinivasan discloses in figure 16, a broadband network for processing video streams, the broadband network comprising:

a service node (Figure 12) comprising:

an input port 127 effective in receiving a digital video stream including an original element (column 21, lines 17-23);

a control port 125 for accessing a customer database (profile information) and an image database (column 21, lines 14-17, column 32, lines 12-22),

a control/video processor (CPU 117) including memory, the processor being effective in determining the product images to be inserted based at least in part upon a customer profile retrieved from the customer database (column 32, lines 12-22), the control processor also effective in retrieving replacement images from the image database (column 32, lines 31-40), the processor effective in calculating transforms and selectively overwriting the original element (column 21, lines 61-67), the processor also effective in storing the replacement images in the memory 131, the processor being effective in replacing the original element with the replacement images to form a modified video stream (column 21, lines 61-67); and

an output port 139 effective in transmitting the modified video stream (column 22, lines 1-3).

Srinivasan inherently contains a DSP, as a DSP is required to insert the replacement annotation data when manipulating a digital video image.

Srinivasan does not disclose a broadband access network through which the modified video is transmitted, however, in a related embodiment, Srinivasan discloses service node 221 which distributes altered video streams to users based on profile data via a broadband network (column29, line 55-column 30, line 63) and the video data may also be multicast (column 35, line 60-clumn 36, line 9 which inherently necessitates the use of a multicast router), thus reducing the complexity of the user receiving device and conserving bandwidth.

Therefore, it would have been obvious to modify Srinivasan with the video modification node in the headend and to utilize multicasting, thus reducing the complexity of the user's STB and conserving bandwidth.

Srinivasan fails to disclose the use of a profile which includes parental consent information and time of day information to determine which ads to show.

Eldering discloses a system, which utilizes user profiles, and may recognize a specific user based upon time of day information (column 3, line 4-column 5, line 55), thus ensuring that the current profile matches the viewer watching the current program.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the tracking module of Srinivasan to utilize the time of day profiling

information as taught by Eldering to ensure that the current profile matches the viewer watching the current program.

The combination of Srinivasan and Eldering fails to disclose parental consent information as part of a profile.

Abecassis discloses a profiling system which includes parental consent information, a parent may set the levels of acceptable violence, bloodshed, profanity and nudity for other profiles (Figures 4a-E, 1d, column 8, lines 30-41, column 17, lines 50-56), thus preventing a child from watching objectionable material, and enabling older children to watch age appropriate programming.

Therefore it would have been obvious to modify the combination of Srinivasan and Eldering to include parental consent information as part of a profile, as taught by Abecassis, thus preventing a child from watching objectionable material, and enabling older children to watch age appropriate programming.

Regarding claim 48, Srinivasan discloses a method for providing a targeted product placement (column 30, lines 6-15 lines 28-40, line 63-column column 32, line 2, lines 57-67, Figure 17), the method comprising the steps of:

Obtaining user information pertaining to a plurality of users and storing it in a customer database (column 31, line 65-column 32, line 21),

Receiving a digital video image (column 30, lines 28-column 31, line 15, video data received via satellite or Internet) which includes an original element in a digital

video image, the original element comprising a portion of the digital video image (column 8, lines 5-33)

Retrieving a first profile associated with a first user and choosing a replacement image (column 32, lines 12-22),

And digitally altering a portion of the digital video image by retrieving and replacing the original element with replacement digital image to produce a dynamically altered video image (substitute logos or images may be placed in the tracking box as annotation data and may be transmitted over a broadband network/WAN (column 6, lines 7-18, column 7, line 7-column 9, line 30, column 13, lines 1-40, column 14, lines 27-55),

Transmitting it over a broadband network (figure 7, column 13, lines 4-13).

Srinivasan fails to disclose the use of a profile, which includes parental consent information, and time of day information to determine which ads to show.

Eldering discloses a system, which utilizes user profiles, and may recognize a specific user based upon time of day information (column 3, line 4-column 5, line 55), thus ensuring that the current profile matches the viewer watching the current program.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the tracking module of Srinivasan to utilize the time of day profiling information as taught by Eldering to ensure that the current profile matches the viewer watching the current program.

The combination of Srinivasan and Eldering fails to disclose parental consent information as part of a profile.

Abecassis discloses a profiling system which includes parental consent information, a parent may set the levels of acceptable violence, bloodshed, profanity and nudity for other profiles (Figures 4a-E, 1d, column 8, lines 30-41, column 17, lines 50-56), thus preventing a child from watching objectionable material, and enabling older children to watch age appropriate programming.

Therefore it would have been obvious to modify the combination of Srinivasan and Eldering to include parental consent information as part of a profile, as taught by Abecassis, thus preventing a child from watching objectionable material, and enabling older children to watch age appropriate programming.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL

CHRIS GRANT
PRIMARY EXAMINER